



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2300441

Applicant Name: Terry Beals for Central Puget Sound Regional Transit Authority
("Sound Transit")

Address of Proposal: 9132 Martin Luther King Jr. Way South

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for the installation of the Henderson Transit Power Substation (TPSS) (light rail systems equipment facility). Project includes a staging area for light rail transit construction. Project also includes future demolition of existing buildings. An Environmental Impact Statement was prepared by Sound Transit (issued November 1999).

The following approvals are required:

Essential Public Facilities – Seattle Municipal Code Chapter 23.80.

SEPA (for conditioning only) – Seattle Municipal Code (SMC) Chapter 25.05.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or
another agency with jurisdiction.

BACKGROUND DATA

Site Location: The subject property is located in South Seattle at the northeast corner of Martin Luther King Jr. Way South and Beacon Avenue South. The site is addressed as 9132 Martin Luther King Jr. Way South.

Site Description: The 34,424-square foot site is developed with a 13,700-square foot commercial structure and a 371-square foot accessory storage shed. On-

* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November 1999. An addendum was issued November 16, 2001.

site parking is available. Martin Luther King Jr. Way South at this location is a four-lane principal arterial but has no sidewalks or curbs along the site's frontage. Beacon Avenue South is unimproved at the project location.

The site is relatively flat adjacent to Martin Luther King Jr. Way South but slopes steeply up behind the existing structure to the east. The eastern edge of the site is mapped as both steep slope and potential slide Environmentally Critical Area (ECA).

Zoning: The property is split-zoned between Commercial 1, with a height limit of 65 feet (C1-65) along Martin Luther King Jr. Way South and Residential, Single-family 5,000 (SF5000) at the rear of the site.

Zoning in Vicinity: Parcels to the north and west of the subject site are also zoned C1-65. Parcels to the east are zoned SF5000, and parcels to the south are zoned C2-65. Zoning in the larger vicinity is a mixture of commercial (C1-65, C2-65, and NC3-40) and residential (SF5000 and L1).

Uses in Vicinity: The area is developed with a mix of commercial and residential uses.

Public Comments The public comment period ended May 28, 2003. The Department received no comments concerning the proposal.

PROJECT DESCRIPTION

The subject proposal is an element of Sound Transit's Central Link light rail C730/C740 segment along Martin Luther King Jr. Way South. The C730/C740 contract is a component of Sound Transit's Initial Segment that would ultimately connect downtown Seattle with the City of Tukwila. Under this application, Sound Transit proposes to (1) demolish the existing two structures on the site; (2) use the property as a construction "staging" area during the construction of the light rail line; and (3) install permanent above-grade facilities including a traction power substation and a signals building. The entire area would have security fencing, and a concrete screening/art wall would be installed around the permanent structures. The temporary site improvements are intended to be in place for only the duration of the construction of the light rail system, which is scheduled for approximately 70 months.

The proposal includes grading of approximately 25 cubic yards of excavated material and approximately 347 cubic yards of fill material, for a total grading quantity of approximately 372 cubic yards.

When construction is complete, the temporary construction materials, trailer, and security fencing would be removed from the site, and the southern portion of the site would be restored to its prior state. A Site Restoration Plan is proposed to be developed by the applicant's contractor and implemented within 180 days of vacating the site.

ANALYSIS – ESSENTIAL PUBLIC FACILITIES

Pursuant to SMC 23.80.002, in reviewing an application for a proposed essential public facility, the Director considers a specified set of criteria listed in SMC 23.80.004. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited:

SMC 23.80.004 A:

- 1. Interjurisdictional Analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county- wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.***

The proposed Central Link light rail system is a component of the region's voter-approved Sound Move, Sound Transit's 10-year program for regional high-capacity transportation. A wide range of alternative routes were considered before selecting the proposed route during the development of Sound Move and the preparation of the Environmental Impact Statement for the Central Link light rail line. To achieve its purpose, the Central Link light rail system would extend through the most heavily populated portions of King County and Seattle and would be located in several local jurisdictions between SeaTac and North Seattle. The overall design of the system was based on an interjurisdictional approach to transportation planning in the region.

- 2. Financial Analysis. A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.***

The Final Environmental Impact Statement for the Central Link Light Rail Project addresses the potential impacts of the project, including the potential financial impact on the City of Seattle. The potential financial impact was considered by the Federal Transit Administration prior to issuance of its Record of Decision which included measures to mitigate potential impacts.

- 3. Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.***

It appears that Sound Transit is not a Special Purpose District. Nevertheless, the City has considered the Central Link Rail Project in its entirety. The City participated in preparation of the Sound Move plan and in the EIS for the Central Link Project and was actively involved in the siting decisions for the various segments of the Central Link Project. As part of planning for the Central Link Project, the City Council passed resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for the project in Seattle. The City's Comprehensive Plan directly supports the project. Comprehensive Plan Policy T34 calls for the City to support the development of an integrated regional transportation system that includes light rail. In addition, Policies T35 and T38.5 also address a potential light rail system.

4. ***Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).***

Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

SMC 23.80.004 B:

This subsection states that if the decision maker determines that conditioning the permit approval would facilitate project siting in light of the considerations identified above, the decision maker may establish conditions for that purpose. Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

23.80.004 C: Light rail transit facilities.

1. ***Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle.***

The proposed element of the Central Link Light Rail Project is permitted in the subject C1-65 and SF 5000 zones.

2. ***The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.***

The City of Seattle City Council passed and the Mayor approved Resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for Sound Transit's Central Link Light Rail project in Seattle. The proposed demolition and construction of a systems building with related improvements are consistent with the approved Resolution.

3. ***When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the installation of tracks, below-grade facilities, minor alteration of light rail transit facilities involving no material expansion or change of use, and other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.***

This Master Use Permit application is for the demolition of existing structures and the installation of a systems building (Henderson transit power substation) and other minor improvements. The project is an integral part of the overall transit system. Sound Transit issued a Final FEIS for the proposed system in November of 1999 and Addendum to the Final EIS for the Initial Segment on November 16, 2001. The environmental documents identified potential impacts of the system and its components, as well as adequate mitigation measures. Please refer below to the SEPA analysis related to the mitigation of the potential impacts of this project.

4. ***When approving light rail transit facilities, the Director may impose conditions to ensure consistency with the Seattle Design Guidelines for Link Light Rail to be developed by the City and Sound Transit.***

The City of Seattle has developed design guidelines to specifically address the Link light rail system under development by Sound Transit. The proposal is incidental to the functioning of the light rail system and no specific guidelines have been established for the subject site.

5. ***A Master Use Permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.***

The City's Sound Transit Program Manager with the Seattle Department of Transportation (SDOT) reviewed the Financial Capacity Statement submitted by Sound Transit for the proposal. On June 12, 2003, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria.

DECISION – ESSENTIAL PUBLIC FACILITY

The Essential Public Facility application request is **APPROVED**.

ANALYSIS - SEPA

Central Puget Sound Regional Transit Authority (Sound Transit) as lead agency has disclosed the environmental impacts of the proposed light rail stations in a Final Environmental Impact Statement (FEIS) issued in November of 1999. An addendum to the Final EIS for the Initial Segment was issued on November 16, 2001, which generally evaluated a reduced rail alignment (from 21 miles to an initial 14 mile segment). The Director hereby incorporates by reference the FEIS and the Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the prior EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short-term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from demolition and grading activities and hydrocarbon emissions from construction vehicles and equipment;
- potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal vehicular movement adjacent to the site; and
- increased noise.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these codes and ordinances are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. PSCAA, the Department of Labor and Industry, and the Environmental Protection Agency (EPA) regulations provide for the safe removal and disposal of asbestos that may be encountered during the demolition of the site's five existing structures. However, no permit process exists to ensure that PSCAA has been notified of the proposed building demolition and that asbestos has been removed from the site. Therefore, a condition should be added requiring the applicant to submit to DPD a copy of the PSCAA demolition permit prior to issuance of the construction and demolition permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F.

Compliance with PSCAA regulations would mitigate any other potential adverse short term impacts to air associated with demolition and installation of equipment facilities.

Grading - Earth/Soils

Any additional information required to verify conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to the issuance of demolition permits and any required construction permits for the proposal. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal grading of more than 372 cubic yards of material.

The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic and Parking

Construction traffic would only minimally increase congestion in the area, and the area has adequate street access to accommodate any increased traffic. Parking for construction personnel would be available on the subject site. Therefore, no further mitigation for traffic and parking related impacts during construction is warranted pursuant to SEPA policies.

Noise

Demolition and other construction activities would generate short-term noise. The applicant proposes to implement a Construction Noise Mitigation Plan. This plan requires that Sound Transit and its contractor comply with the City's noise control ordinance (SMC Chapter 25.08). In addition, the plan requires that Sound Transit work with its contractor, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors. Sound Transit has a community outreach program to keep the adjacent communities informed throughout construction. The outreach will include updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline will be established, and a record will be kept of all noise complaints. When a complaint is received, Sound Transit will use every reasonable effort to resolve it to the satisfaction of the complainant. The project should be conditioned to require that Sound Transit submit to DPD upon request a list of the noise complaints received during construction of the temporary staging area and permanent systems facilities and Sound Transit's response to each complaint. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

Long-term Impacts

No significant, adverse long-term or use-related impacts are anticipated. Therefore, no conditioning for long-term impacts is required.

CONCLUSION -SEPA

Applicable conditions of approval, together with codes and development regulations applicable to this proposed project, provide sufficient mitigation for most impacts identified in the adopted environmental documents.

The DEIS and FEIS together with associated appendices and studies; the Master Use Permit plans submitted on the project; and responses to requests for information all comprise DPD's public record. Conditions imposed pursuant to SEPA assume installation of mitigating devices, structures and measures noted in the above analysis. Pursuant to SMC 25.05.600.D.1, DPD relies on Sound Transit's FEIS in conditioning project approval.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

CONDITIONS – ESSENTIAL PUBLIC FACILITIES

NONE.

CONDITIONS - SEPA

The owner(s) or responsible party(s) shall:

Prior to Issuance of Construction Permit

1. Submit a copy to DPD of any required PSCAA Demolition Permit(s).

During Construction of the Temporary Staging Activities and Permanent Systems Facilities:

2. Comply with the Construction Noise Mitigation Plan submitted to DPD, a copy of which is in the Master Use Permit file. The applicant shall submit to DPD upon request a list of the noise complaints received during construction of the temporary staging area and permanent systems facilities and Sound Transit's response to each complaint. The applicant shall mail the list to the attention of the undersigned DPD planner. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

Signature: (signature on file) Date: December 8, 2003
Leslie C. Clark, AICP
Land Use Planner